UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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UNITED STATES OF AMERICA,	)	Magistrate Docket No. '08 MJ 1060
Plaintiff,	)	
v.	)	COMPLAINT FOR VIOLATION OF:
Edgar LARIOS-Martinez,	)	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **April 5, 2008** within the Southern District of California, defendant, **Edgar LARIOS-Martinez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF **APRIL 2008.**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Edgar LARIOS-Martinez

PROBABLE CAUSE STATEMENT

On Saturday April 5, 2008 Senior Patrol Agent M. Jiron was conducting assigned duties as part of the All Terrain Vehicle (ATV) Unit in the area known as "Washer Woman". This area is approximately two miles east of the San Ysidro, California Port of Entry and approximately one hundred yards north of the United States/Mexico International Boundary Fence. This area is commonly used by undocumented aliens attempting to further their illegal entry into the United States.

At approximately 4:40 PM Agent Jiron responded to a call via agency radio from the Remote Video Sensoring and Surveillance (RVSS) System Operator. The RVSS Operator stated to Agent Jiron that she was observing a group of approximately ten subjects climbing the International Boundary Fence, making an illegal entry into the United States.

Upon reaching the general area, The RVSS Operator guided Agent Jiron into the precise area where she last observed two of the subjects. After a brief search Agent Jiron located the two subjects, one later identified as the defendant **Edgar LARIOS-Martinez** lying inside a storm drainage tube. Agent Jiron identified himself to the defendant as a Border Patrol Agent and questioned him as to his citizenship. The defendant stated "I am Mexican". Agent Jiron asked the defendant where he was born. The defendant stated "in Jalisco officer". Agent Jiron asked the defendant, if he possessed any immigration documents that would allow him to enter or remain in the Untied States legally. The defendant stated "no". Agent Jiron took the defendant into custody and had him transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 20, 2007** through **El Paso, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.